

REMARKS

This patent application presently includes claims 1-52 and 58-66, all of which stand rejected. The rejections are respectfully traversed for the reasons presented below.

All claims are rejected as obvious of Gever, et al., WO 97/35280 in view of Goodman (Dynamic HTML), in some instances, in combination with additional references. These rejections are respectfully traversed. None of the references, nor any combination thereof renders the present claims obvious.

The Examiner rationalizes these rejections on the ground that, in addition to the use of a specialized "scene manager", Gever also discloses other means for providing the animation. Particular reference is made to animation files being provided as VRML, JAVA or HTML or any other standard file format recognized by suitable browsers.

Initially, notice should be taken of Gever's definition of "Smart Object" (see 6:3-11 of Gever). Specifically, a smart object is "read by a program that generates an animated image sequence ... such a program is referred to as a "Scene Manager". In other words, wherever the patent utilizes the term "Smart Object", it is referring to something that must be rendered by the Scene Manager. As has been explained in previous responses, the Scene Manager is a program or a "plug-in" which must be installed by the user (see 6:12-23).

Furthermore, VRML is a graphics modeling language and nothing more. It is simply used to encode an animation for Internet Transmission (see 3:1-4). Furthermore, Gever discloses that VRML encoded animation still requires a player program akin to the Scene Manager (3:10-14). Thus, to the extent that the Examiner relies on Gever's use of VRML to even suggest that Gever contemplates anything other than a specialized Scene Manager, that reliance is entirely misplaced.

The Examiner specifically cites to 10:1-5 to support his assertion. However, that passage must be viewed in the context of the entire paragraph bridging pages 9 and 10 of Gever. Specifically, Gever contemplates the use of a source computer to create an animation which is then encapsulated and conveyed over a network. Gever describes the encapsulation as a VRML-compatible animation file, a JAVA application or an HTML file or any other format recognized by a browser. In other words, these are merely vehicles for transmitting or carrying a previously created character, not for rendering it. As will be appreciated from 10:3-5, the received animation must still be “replayed” at the destination computer or incorporated in another sequence on the computer. Thus, Gever contemplates that the character would still be rendered by a special purpose program or Scene Manager.

There is not the slightest suggestion in Gever that it contemplates anything other than the use of a special purpose program to render the animations or Smart Objects.

The Examiner cites Goodman for its disclosure that Dynamic HTML permits the use of multiple layers within a single browser application window. Then, the Examiner concludes that, although Gever admittedly discloses that the animation is inserted “over” rather than “in” the image produced by a browser program, it would have been obvious to insert the animation in the same application window as the browser, rather than merely independently on the screen. Not only is there no basis for this, but Gever specifically intends to introduce the animation anywhere on the screen.

First of all, Gever discloses only introduction of the animation *over* the browser window and is silent as to any other approach. Furthermore, Dynamic HTML was not available until well after the publication date of Gever. Accordingly, no disclosure or suggestion could be found in Gever of using a window with multiple layers. In addition, although Goodman includes

the capability of having multiple layer windows, there is not the slightest suggestion of using it to insert an animation in the uppermost layer of a window, or that it would be of any benefit to do so. Just because references could be combined is no justification for combining them. For a proper obviousness rejection over a combination of references, there must be some reason, suggestion, or motivation found in the prior art whereby a person of ordinary skill in the field of the invention would make the combination. That knowledge can not come from the applicant's invention itself. *In re Oetiker*, 977 F.2d 1443 (Fed Cir. 1992). That is what is entirely absent from the record of the present patent application. Indeed, the only basis for combination on which the rejection is based is the disclosure of the application. Accordingly, there is absolutely no basis at all for making the combination suggested by the Examiner.

Furthermore, in view of the substantial advantages to be gained by inserting the animation in the window of the application program, those skilled in the art would have done so if it were obvious. The fact that the Examiner has not found a single reference or even suggestion of such an approach is evidence of its unobviousness.

In summary, the combination of Gever and Goodman would not render any of the claims obvious, and any obviousness rejection relying upon the combination for that purpose must fail.

Applicant's attorney has made every effort to demonstrate that this application is now in condition for allowance. It is therefore earnestly requested that the Examiner reconsider the final rejection and allow all claims as presently constituted.

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